



Planning Communicator

A Publication of the Fairfax County Planning Commission

2005

Planning Commission

Peter F. Murphy, Jr.
Chairman

Springfield District

John R. Byers
Vice-Chairman

Mount Vernon District

Suzanne F. Harsel
Secretary

Braddock District

Walter L. Alcorn
Parliamentarian

At-Large

Frank A. de la Fe

Hunter Mill District

Janet R. Hall

Mason District

James R. Hart

At-Large

Nancy Hopkins

Dranesville District

Ronald W. Koch

Sully District

Kenneth A. Lawrence

Providence District

Rodney L. Lusk

Lee District

Laurie Frost Wilson

At-Large

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December 2005

Commissioner Spotlight

This second issue of the *Planning Communicator* continues a series of interviews with Commissioners to present insight into how each became involved in the Fairfax County land use process. Our second interview is with At-Large Commissioner, Walter L. Alcorn, who has served on the Planning Commission for 9 years and as Commission Parliamentarian since January 2003.

Walter Alcorn became familiar with the county's land use process, particularly with cases affecting Providence District, while working as an aide to former Providence District Supervisor Katherine Hanley from 1988 to 1992. After Hanley was elected Chairman of the Board of Supervisors in 1995, she asked if he would accept an appointment as an At-Large Planning Commission member. He was just 30 years old when he was sworn in. Prior to serving on the Commission, Alcorn had also served on the Tenant-Landlord Committee for one year.

As one of three At-Large Commissioners, Alcorn handles proposed amendments to the Zoning Ordinance, the Subdivision Ordinance and the Public Facilities Manual (PFM) in addition to various countywide applications. He says that the most far-reaching activity he has participated in was the Residential Infill Study in 1999 and the resulting Residential Development Criteria in 2001. Alcorn chaired the Commission's committees established for both efforts. He explained that the Residential Development Criteria replaced the previous "Residential Density Criteria" that lacked sufficient requirements for certain developments. One conclusion of the Infill Study was that many developments, particularly those on infill parcels, could significantly impact public facility systems, adjacent neighborhoods and the environment despite being proposed below the maximum



density range allowed by the Comprehensive Plan. A major objective of both efforts was to ensure that the range of land use policies and regulations supported the goals of the county regardless of the location of the property and Plan density. While chairing the Commission's Residential Infill and Residential Development Criteria Committees, Alcorn observed how complicated the county's land use approval system has become over the years as reflected in the multiple volumes of the Zoning Ordinance and the Comprehensive Plan. He considers both efforts major accomplishments and a positive experience.

During the next few years Alcorn foresees the Commission reviewing more housing-related Ordinance amendments and applications, particularly focused on affordable housing. He notes that currently there is a "loophole" in the Affordable Dwelling Unit Ordinance related to high-rise developments. "I see that as a critical amendment now under study and not a simple one to fix, but getting inclusionary zoning requirements into new

high rise applications in our Urban Center and transit station areas is one that we must get a handle on," he said.

Since 1997, Alcorn has been Chairman of the Commission's Environment Committee, which jointly discusses environmental issues with the Environmental Quality Advisory Council (EQAC), an advisory group appointed by the Board of Supervisors to advise on environmental matters. He believes that the implementation of the amendments to the Chesapeake Bay Preservation Ordinance by the joint committee "was a challenging process" and "a good product" that continues to be fine tuned. Late during his first year on the Commission, the joint committee brought forward an amendment to the Policy volume of the Comprehensive Plan to encourage the minimization of impervious surfaces in areas planned for development. Previously, the Environmental Quality Corridor (EQC) Policy had been established to ensure the protection of environmentally sensitive areas, but as a complement to that, the amendment provided guidance on how to encourage and/or require good water quality measures on property not designated as particularly environmentally sensitive. "That process ended up being a good, effective model of how the Planning Commission and EQAC can work together and put new policies in place that produce environmental benefits,"

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Planning Commissioner Walter Alcorn

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Alcorn said. During this past summer, the Environment Committee and EQAC began exploring the broader issue of stream protection by identifying new tools and approaches to improve stream quality beyond those already in place. He anticipates that over the coming months, the joint committee will work on one or more of these initiatives focusing on improved stream protection and quality and discuss possible changes in county ordinances, the PFM and/or the Comprehensive Plan. He notes that one item under review is revised language regarding stream channels in the EQC Policy which has remained unchanged for over 10 years. According to Alcorn, the EQC Policy could help facilitate and improve protection of intermittent stream channels and adjacent lands not protected under the current Chesapeake Bay Preservation Ordinance. (An intermittent stream is a body of water that flows in a natural or man-made channel that contains water for only part of the year and does not flow during the dry season or a drought.)

On a related issue, Alcorn considers the increased availability of stormwater management, tree save and other information and calculations at the rezoning stage as beneficial “work in progress.” “It is absolutely critical that during the public review process we and the public know all important aspects of what is going to be built after the rezoning is approved,” he said. He believes that the county is on the verge of a “major shift” where detailed engineering information will be provided at the rezoning stage. He also believes that the onset of technology has caused information to be more readily available and easier to obtain and the collection and analysis of site-specific information to be more efficient. Alcorn observes that the Commission is now seeing stricter proffers and commitments from developers and anticipates future changes in how the county functions from a policy and procedures standpoint. “To me, one of the most important things about the public hearing process for rezonings is what we see is what we get. There should not be significant surprises and changes from an approved rezoning development plan and

what ultimately ends up on the ground,” he explained.

Alcorn notes that the biggest land use change in the county over the past 20 years has been the movement from larger acre projects to smaller, infill developments. He says that “true redevelopment” is now beginning to occur in revitalization areas, such as Richmond Highway, Bailey’s Crossroads and Merrifield with an increase in transit-oriented development around existing and future rail stations. “It is very important to understand landowner and community expectations about currently undeveloped and potentially “underdeveloped” land, particularly in revitalization and transit station areas. I expect those two areas will see the most future residential development and appropriately so,” he explained. Alcorn reports that he has noticed a decrease in the number and size of rezoning applications in the western portion of the county, particularly in Sully District, over the past nine years. However, he says that the Commission has seen more development in the southern portion of the county, particularly Laurel Hill, due to its hot residential market and the transfer of title of the site of the former Lorton Correctional Complex. Overall, the county is experiencing less proposed rezoning development activity than it had nine years ago. “I think the size and frequency of the rezoning applications has slowed down, not that there’s any less intensity in the discussion, but certainly in terms of the size and the pace,” Alcorn said.

Alcorn believes that Fairfax County has more public involvement in its planning process compared to most other Virginia counties. “I think much of the complexity in the county’s land use process has come from countless changes small and large designed to protect neighborhoods and citizens from the negative effects of new development, but that complexity also creates problems in understanding the process and communicating with the public. This is a constant we face — making sure our process and the information that comes through our

process is communicated appropriately and adequately to the public,” he explained.

Alcorn’s short-term goal for the county is to continue to use the best available technologies and to further utilize the Internet to communicate the substance of the land use review and decision processes, particularly to citizens potentially affected by specific decisions. Over the longer term Alcorn sees the convergence of the rezoning and site plan/subdivision processes. “That’s a longer term goal that will require not only changes in regulations but eventually changes in departmental structures as well,” Alcorn explained.

From 1992 to 2003, Alcorn worked on solid and hazardous waste regulatory issues in the Environmental and Health Sciences Group of the Science Applications International Corporation (SAIC) and as Deputy Division Manager in the corporation’s Technology Research Group on information technology modeling and simulation areas. During his time in the Technology Research Group, he had performed simulation development work on environmental issues, specifically electronic recycling. Following SAIC, Alcorn started his own consulting firm where he handles electronics recycling systems issues. He spent much of the last year starting up a new non-profit organization called National Center for Electronics Recycling. Visit the organization’s website at www.electronicrecycling.org/ncer for more information.

Alcorn balances his time between his profession, duties as a Commissioner and his family. He is married and has a son, Ryan, age six, and a daughter, Delia, age three, and says his family is very supportive of his role as a Commissioner. Born in Richmond, Virginia, he moved to Fairfax County 20 years ago. He has lived previously in both Providence and Lee Districts and currently lives in the Hunter Mill District in Reston. Alcorn received a Bachelor of Arts degree in History and Russian Studies from the University of Virginia in 1988.

Do you have a great story idea for the Planning Communicator? If so, please send your ideas to Kara DeArrastia at kara.dearrastia@fairfaxcounty.gov, or to Henri Stein McCartney at henri.steinmccartney@fairfaxcounty.gov.

Strategic Plan Initiative - PC Office Community Outreach



Participants examine site plans, staff reports and tax maps during the break.

On Monday, November 14, 2005, the Planning Commission office held the first of a planned series of community outreach sessions to help educate residents on their role in land use planning and zoning. For this first session, the Planning Commission Office partnered with the Department of Systems Management for Human Services to address its Neighborhood College Alumni. The Department of Systems Management focuses on community development and each year conducts a number of Neighborhood Colleges. Neighborhood Colleges are designed to raise community awareness of services and information available through both private associations and county agencies. Approximately 30 alumni from previous Neighborhood Colleges attended this initial land use workshop.

Staff from the Planning Commission Office and Department of Planning and Zoning as well as two Planning Commissioners presented information on the various stages of the land use decision process to

the audience. Planning Commission staffers Barbara Lippa, Robin Hardy and Henri Stein McCartney covered topics that included the role of the Commission and various staff, public hearing notification requirements and information available on the Commission website. Department of Planning and Zoning staffers Marianne Gardner and Lisa Feibelman presented information on the Comprehensive Plan and the application process for rezoning, special exception, special permits and variance cases. The session concluded with an interactive dialogue on citizen participation in the land use process, led by Commission Chairman Pete Murphy (Springfield District) and Commissioner Ken Lawrence (Providence District).

For additional information on future Planning Commission community outreach programs, please contact the Commission office at 703-324-2865 or send an email to plancom@fairfaxcounty.gov.



Commissioner Lawrence points out Providence District as Chairman Murphy looks on.

PC Roundtable Program

Every Thursday at 6:30 p.m., Fairfax County Cable Channel 16 broadcasts "The Planning Commission Roundtable," a 30-minute program for all viewers who wish to gain a better understanding of the Commission's role in land use planning and development in the county and how citizens may voice support or concern over development in and around the community. The program is moderated by Peter F. Murphy, Jr., the Commission Chairman, and discussion topics and guests change monthly.

The first broadcast premiered on February 13, 2003, and featured presentations by Barbara Lippa, Executive Director, and Sara Robin Hardy, Assistant Director, of the Planning Commission Office, on the duties of the Commission, composition and current membership, organization and responsibilities of the Commission staff and the legal notification process for public hearings.

"The Planning Commission Roundtable" can also be viewed via live video streaming on Thursday evenings or anytime through Video on Demand by visiting:



Sam Clay and Stephanie Abbot discuss future libraries with Chairman Murphy.

http://www.fairfaxcounty.gov/cable/channel16/pc_roundtable.htm. Viewers can also submit questions on the topics featured by either mail to the Planning Commission Office at 12000 Government Parkway, Suite 330, Fairfax, VA 22035, or e-mail to plancom@fairfaxcounty.gov to be addressed in future programs.

The Roundtable program highlighted throughout the month of December is on the activities of the Board of Zoning Appeals (BZA), including the types of applications heard, and features BZA members Norm

Byers and Jim Hart, who is also an At-Large member of the Planning Commission.

Broadcast in October/November 2005, a program on "Planned Locations for Future Libraries" featured Sam Clay, Director of Fairfax County Public Libraries, and Stephanie Abbot, Chairman of the Fairfax County Library Board, as they discussed an overview of the department's priorities, its vision for the future, and where newly-planned facilities will be located.

Future programs will highlight the Base Realignment and Closure (BRAC) Commission's recommendations for the Fort Belvoir area and proposed changes to the county's Transportation Plan.

For a schedule and summary description of all "The Planning Commission Roundtable" programs, visit <http://www.fairfaxcounty.gov/planning/roundtable.pdf>. To access the archives of previous programs, contact the Planning Commission at 703-324-2865, TTY 703-324-7951 to schedule a time during business hours (8 a.m. to 4:30 p.m.) to watch a program in its office.

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2005-2006 South County Area Plans Review Update

On September 21st, the Planning Commission Office accepted its final nominations for the 2005-2006 South County Area Plans Review (APR). This latest APR cycle allowed individuals and businesses to nominate any parcel of property in Braddock, Lee, Mason, Mt. Vernon and Springfield Districts for a potential change in Comprehensive Plan designation. Specifically, nominators could request changes to the Area Plan Volumes of the Comprehensive Plan and/or to the Comprehensive Plan Map.

All nominations were submitted initially to the Planning Commission office, which ensured that the nominations were complete and that all required notice to affected property owners had been satisfied. Once these requirements were met, the nominations were forwarded to the Planning Division of the Department of Planning and Zoning (DPZ) for evaluation. The Planning Division will prepare a staff report which contains analysis and recommendations for each nomination. The nominations are also

reviewed by district task forces, each of which is appointed by the Board member for that district. These task forces also analyze and make recommendations on each nomination.

The district task forces began reviewing nominations in November. DPZ staff participates in these meetings, presenting their preliminary recommendations to the task force. The nominators also may make presentations on their proposal. These meetings are open to the public. The schedule for meetings in each district can be found on the DPZ website at <http://www.fairfaxcounty.gov/dpz/apr/nominations>.

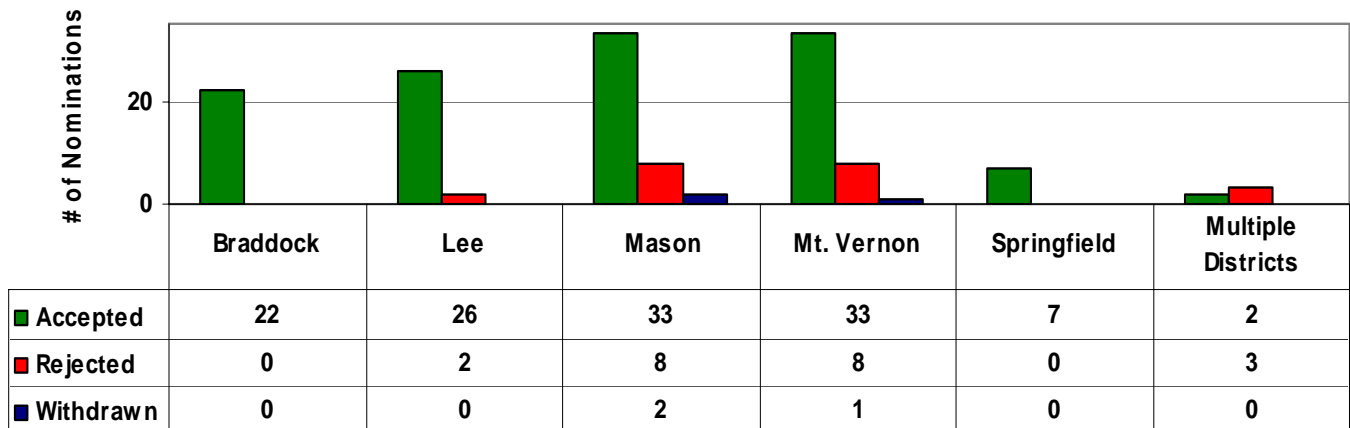
In mid-2006, recommendations from DPZ staff and each district task force will be forwarded to the Planning Commission for their review and public hearings will be held. At that time, the Planning Commission will make recommendations to the Board of Supervisors regarding the disposition of the nominations. If the Board adopts the

proposed changes, the Comprehensive Plan is then amended.

In this APR cycle, the Planning Commission office received 147 nominations. Of the 147, 123 were forwarded to the Planning Division for review, 21 were rejected and 3 were withdrawn by the nominator. Task forces in each district began reviewing nominations in November and the process is expected to conclude with public hearings before the Board of Supervisors in the fall of 2006.

DPZ makes copies of all APR nominations available to the public in printed format and on their website at the following address: <http://www.fairfaxcounty.gov/dpz/apr/nominations>. Printed copies are available for viewing at the Department of Planning and Zoning office located on the 7th floor of the Herrity Building; at the Planning Commission office located on the 3rd floor of the Government Center; at each Supervisor's office; and at all county libraries.

South County APR Nominations by District



Two Members Reappointed to the Planning Commission

John R. Byers, Mount Vernon District, and Frank de la Fe, Hunter Mill District, were reappointed to the Planning Commission on December 5th by the Board of Supervisors. Both terms will commence in January 2006 and conclude in December 2009.

Commissioner Byers was reappointed by Mount Vernon District Supervisor Gerald W. Hyland to serve his sixth consecutive term on the Commission. He was originally appointed to the Commission in January 1986 by then Supervisor Farrell Egge. Commissioner Byers was elected Vice Chairman of the Commission in January 1996, and

has served in that office each year since.

Commissioner de la Fe was reappointed by Hunter Mill District Supervisor Catherine Hudgins to serve his second consecutive term. He was originally appointed by Supervisor Hudgins in December 2001. de la Fe currently chairs the Personnel & Budget and Transportation Committees, and also serves on the Capital Improvement Program and Redevelopment & Housing Committees. In addition, he is the Planning Commission representative on the county's Pedestrian Task Force.

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Land Use Actions

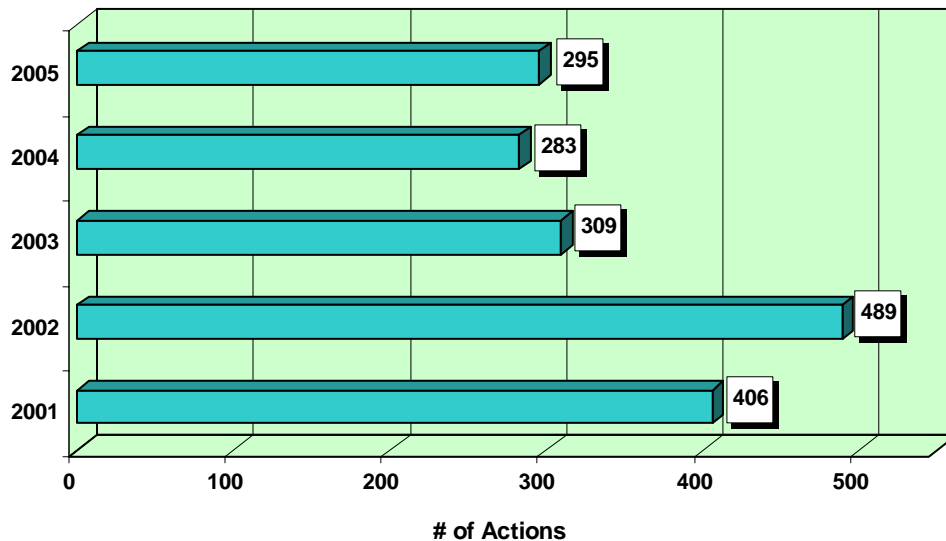
Quarterly Overview:

As noted in the chart below, due to the August recess, the third quarter (July through September) is consistently the period with the fewest number of Planning Commission meetings. It is not possible to predict quarterly trends for the numbers of speakers, although data suggests that the highest number of speakers alternate yearly between the first and second quarters, beginning with the second quarter in 2001 and ending with the second quarter in 2005. This somewhat cyclical pattern can be explained by the Area Plans Review public hearings (which occurred in the first quarter of 2002 and second quarter of 2005) and a controversial Providence District application heard in the second quarter of 2003.

Activity Synopsis: 2001 - 2005																				
Quarters	2001				2002				2003				2004				2005			
	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th
Meetings	17	20	12	17	21	15	12	16	14	16	11	13	16	13	11	11	16	15	9	12
Speakers	134	212	68	91	400	134	145	112	122	168	120	45	141	95	106	55	106	190	73	98
Actions	90	123	91	102	163	120	66	142	60	89	73	87	73	70	74	66	72	97	53	73

During the last five years the Commission took action on more land use cases in 2002, due again in part to the mark-up sessions on Area Plans Review (APR) items held during the first quarter of that year. As shown in the graph below, the number of land use actions declined in 2003 and 2004, with a slight peak in 2005 (due to the 2004-2005 APR process). The data suggests both a decline in number of land use applications filed and an increase in the deferral of complex and/or controversial items.

Land Use Actions by Year



2005 Third & Fourth Quarter Activities:

The Planning Commission held nine regular meetings during the third quarter of 2005 and 12 regular meetings during the fourth quarter. During these 21 meetings, the Commission heard testimony from 171 speakers, held public hearings on 31 land use applications and took action on 126 items. Of the actions taken, 26 were on items not subject to public hearing (two site plans, one variance application, and 23 feature shown applications) and 35 were decision-only items (public hearings held previously). The Commission deferred the public hearing one or more times on 176 applications. The shortest Commission meeting during the second half of 2005 was held on Thursday, September 22 and lasted 31 minutes. The longest meeting lasted 4 ½ hours and was held on Thursday, October 27.

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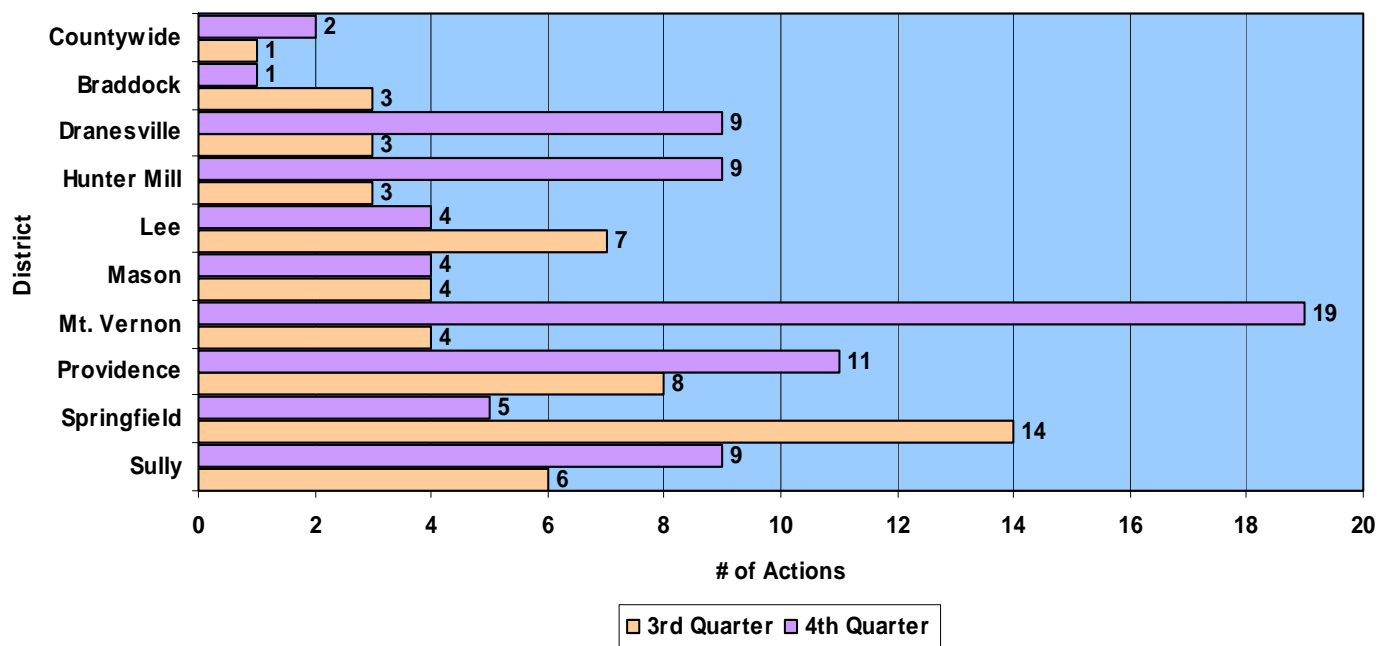
Land Use Actions

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District Breakdown:

Only three countywide items were acted upon during the last two quarters of 2005. The most district land use actions taken in third and fourth quarters were in the Springfield District and Mount Vernon District, respectively. The figure below depicts third and fourth quarter activity for each district.

2005 Land Use Actions by District, by Quarter



Kelo v. New London: Impact on Fairfax County

The use or potential misuse of eminent domain powers by local governments has received a lot of attention over the last several months due to a June 23, 2005 U.S. Supreme Court decision. In *Kelo vs. New London*, a case originating in New London, Connecticut, the Supreme Court affirmed the use of eminent domain for economic development. Although that decision has produced a lot of commentary in the press, the *Kelo* decision did not create any new powers for local governments and eminent domain is used far less frequently than most people realize, particularly for purposes of economic development.

Background

In this case, the city of New London hired the New London Development Corporation (NLDC) to help the city plan the development of an economically depressed area known as Fort Trumbull. As proposed, the new Fort Trumbull would consist of a waterfront conference hotel, restaurants, retail and office space, 80 new condominiums, a new U.S. Coast Guard Museum and a state park. Adjacent to this site, the pharmaceutical company Pfizer was planning to build a new \$300 million research facility. The new development was intended to create jobs, generate tax revenue and create a recreational area along the waterfront. In all, the area to be redeveloped consisted of 90 acres.

The City Council of New London granted NLDC the authority to procure the property needed for this development, either through

purchase or by exercising the power of eminent domain in the city's name. NLDC was successful in purchasing the majority of the property needed; however, 9 owners of 15 parcels refused to sell. Those 15 parcels were condemned and NLDC took ownership of them. The owners of the parcels sued the city in New London Superior Court, claiming that the taking of their property violated the "public use" restriction of the Fifth Amendment to the United States Constitution. The Superior Court issued a permanent restraining order prohibiting the taking of parcels for the park and marina support but ruled that the remaining parcels, which were planned for office space, were justly taken by the city.

After this ruling, both sides appealed to the Supreme Court of Connecticut. That Court ruled that all of the takings were valid. This ruling was based on a Connecticut statute which expressed that the taking of land as a part of an economic development project is a public use and in the public's interest. The Court also relied on U.S. Supreme Court rulings which held that economic development qualified as a valid public use under both State and Federal Constitutions. In its ruling, the Court reversed the Superior Court ruling in part and upheld it in part. The end result was that the city of New London was correct in taking all of the disputed parcels under its eminent domain authority because the new development plans were sufficiently definite and had been given "reasonable attention" during the planning process.

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Kelo v. New London



New London, Connecticut

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Finally, the nine property owners appealed to the U.S. Supreme Court, which upheld the Supreme Court of Connecticut decision, ruling that property taken by a government entity did not have to be used strictly for public use. The Court established that the city had sufficiently planned the new development with the intention of providing a public benefit to the community, and for that reason, the taking was not prohibited by the Fifth Amendment. In the opinion of the Court, Justice John Paul Stevens was careful to explain that this was not a case of taking property from private owner A and giving it to private owner B for private benefit. If it had been, the *Kelo* case would have resulted in a different ruling. The Connecticut Constitution and State Code were also very important in this case, since both supported the idea that any property taken by a government entity did not have to be developed strictly for public “use,” but could be deemed a public “benefit” as rationale for a satisfactory taking.

Eminent Domain in Fairfax County

The Virginia Constitution and State Code craft a much narrower

application of eminent domain powers to local jurisdictions. The Constitution states, with regard to eminent domain, that “...the General Assembly shall not pass...any law whereby private property shall be taken or damaged for public uses, without just compensation, the term ‘public uses’ to be defined by the General Assembly” (Art. I, § 11). The *Code of Virginia* defines public uses as “all uses which are necessary for public purposes.” (VA Code Ann. § 15.2-1900) Generally, the public use definition is interpreted very strictly to mean purposes that are truly public, such as parkland, roadways or sanitary sewer. Because the definition is not explicit, a number of bills are expected to be introduced in the 2006 Session of the Virginia General Assembly to tighten the language of “public use.”

In Fairfax County, the power of eminent domain has never been exercised solely for economic development and unless the Constitution of Virginia and the *Code of Virginia* are changed to allow such taking, it cannot be exercised. On a few occasions, the county has used eminent domain authority to acquire property needed for a public facility, such as a road or sanitary sewer facility, in connection to a private development. In each of these cases though, the county is the owner of the “taken” property and public facilities reside on the property.

Because Virginia is a “Dillon Rule” state, Fairfax County cannot exercise eminent domain in a manner that is contrary to State law. Under the Dillon Rule, counties in Virginia only possess the powers that are specifically granted to them by the State legislature. Unless the Virginia legislature were to greatly expand the definitions of eminent domain, Fairfax County property owners can be assured that their land will not be “taken” by the county for purposes of economic development.

Counties Comparison:

Fairfax, Virginia; Montgomery, Maryland; and Sacramento, California

This issue of the *Planning Communicator* continues a series of comparisons between Fairfax County and other counties to present insight into how other regions administer land use procedures and planning authority functions. Last issue compared Fairfax County with two other counties of comparable size. This article compares Fairfax County with two counties of comparable population: Montgomery County, Maryland and Sacramento County, California.

Location:

Montgomery County is located north of Washington, D.C. and is bordered by Rock Creek in the south, Monocacy River in the north, Potomac River in the west and the Patuxent River in the east.

Sacramento County is situated in the center of the 400-mile long Central Valley, which is California’s major agricultural region, and extends from the low delta lands between the Sacramento and San Joaquin rivers north to approximately ten miles beyond the City of Sacramento and east to the foothills of the Sierra Nevada Mountains.

Fairfax County is bounded on the north and southeast by the Potomac River and across the river to the northeast is Washington, D.C. Although located in very different regions of the United States, these counties

are similar in population size although Sacramento County is considerably larger in land size.

Planning Commission:

The Montgomery County Planning Board is unique in that it implements plans through its review of development applications and is also responsible for the development and management of the county park system. Montgomery County Planning Board members also serve along with Prince George County Planning Board members on the Maryland-National Capital Park and Planning Commission (MNCPPC). The Planning Board’s Community Relations Office maintains and updates the agenda mailing list. Montgomery County’s Office of the People’s Counsel provides technical assistance to citizens and citizens associations to promote

an understanding of the county’s land use processes and to ensure effective citizen participation in public hearings on land use decisions that may be held by the Planning Board. Additionally, the People’s Counsel will participate in land use hearings to protect the public interest by ensuring that the hearing addresses all relevant issues.

Sacramento County has two planning commissions to handle different types of applications. The Project Planning Commission is the deciding body on use permits, subdivision and parcel maps and small applications and makes recommendations to the Board of Supervisors on projects that are more complex. The Policy Planning Commission makes recommendations to the Board on General Plan amendments and

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Fairfax, Montgomery and Sacramento Counties Comparison

(Continued from page 7)

Community Plan amendments and rezones. The Clerk of the Board also acts as clerk for both commissions at their meetings.

The Fairfax County Planning Commission provides recommendations to the Board of Supervisors on a diverse array of land use applications as well as Plan amendments and is the deciding body on public facility applications. Fairfax is the only county in the Commonwealth of Virginia with a separate staff for its Planning Commission. This staff attends all Commission and Committee meetings; documents proceedings by the preparation of verbatims, summaries and minutes; interprets and transmits recommendations to the Board; schedules all public hearings; verifies the accuracy of public hearing legal notice requirements for both the Commission and the Board; and provides staff support to Commission members.

Wetlands and Stream Restoration:

In southern Sacramento County, conservation efforts have been led by the Sacramento Regional County Sanitation District (SRCSD) to the increasingly scarce wetlands, grasslands and riparian forest habitats that encompass 2,500 acres of undeveloped buffer area known as the "Bufferlands" that lies between the SRCSD Wastewater Plant and surrounding

neighborhoods.

The Anacostia River, which many of Montgomery County's streams drain to before reaching the Potomac River, has consistently been ranked as one of the nation's ten most polluted rivers. The county has implemented several stream restoration projects which stabilize stream channel erosion, reduce sedimentation damages and restore stream habitat and biological resource support in Anacostia tributaries. Efforts to create a continuous protective riparian forest buffer adjacent to the county's streams, wetlands and river to help filter pollutants in runoff and provide habitat cover for fish and wildlife have also been made.

Fairfax County initiated a countywide riparian buffer restoration project in collaboration with volunteers and various partners to mitigate stormwater runoff into local streams and to support the Board of Supervisors' adopted Environmental Agenda. The buffer restoration initiative began in spring 2005 with restoration of seven sites and restoration of 40 sites is anticipated to be completed by summer 2006 through a combination of volunteer and contracted plantings. This project benefits the region by improving water quality, contributing to Chesapeake Bay tributary restoration and providing opportunities for residents to become informed and involved with

improving their communities.

Transportation Issues:

Not unlike other jurisdictions in the nation, these three counties have each planned to incorporate new transportation incentives to reduce traffic congestion and improve air quality. Montgomery County recently approved a \$1 billion, 10-year comprehensive plan, called "Go Montgomery!" that will build the roads, transit and other congestion relief infrastructure called for in the county's Master plans, improve the region's air quality by developing projects that minimize environmental impacts and make better use of technology to relieve traffic congestion.

In 1988, Sacramento County voters approved Measure A, a 1/2-cent countywide increment to the statewide retail sales tax to fund local paratransit service, street, highway and air quality improvements for a twenty-year period and will expire in 2008 unless it is renewed by voters. Measure A created the Sacramento Transportation Authority which administers the transportation improvement program.

In 2004, Fairfax County started a review of the Transportation Plan, an element in the Policy Plan of the Comprehensive Plan, to update objectives, policies and appendices guiding long-term system improvements. The

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Location	Fairfax, VA	Montgomery, MD	Sacramento, CA
Square Miles	395	496	966
Location of County Government	Fairfax	Rockville	Sacramento
Population (in 2003)	1,000,405	918,881	1,330,711
Year County was Organized	1742	1776	1850
Number of Counties in State	95	24	58
Governing Body	Board of Supervisors	County Council	Board of Supervisors
Planning Commission	Yes	Planning Board	Project & Policy Planning Commissions
Year Established	1938	1957	1975
Number of Members	12	5	5
Term of Appointment	4 years	4 years	2 years
Average Meetings/Year	52	45	48
Number of Committees	9	2	None
Average Committee Meetings/Year	22	24	None
Park Authority	Yes	Maryland-National Capital Park & Planning Commission	Recreation and Park Commission
Zoning Ordinance	Yes	Yes	Zoning Code
Comprehensive Plan	Yes	General Plan	General Plan
Public Facilities Manual	Yes	Adequate Public Facilities Ordinance	Public Facilities Element of General Plan
Subdivision Ordinance	Yes	Yes	Yes

Fairfax, Montgomery and Sacramento Counties Comparison

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initial round of public meetings was held in March 2005, travel demand workshops were held in July 2005 and Department of Transportation public sessions were held in November 2005. Public hearings before the Planning Commission and the Board of Supervisors are anticipated in early 2006.

Infill Development and Buildout:

Data collected from the Montgomery County "Residential Capacity Study" estimated that as of July 2003, the total future residential capacity is 75,100 dwelling units and suggested that the county has the capacity to accommodate between 20 and 25 years of residential development. Over the next 20 years, Montgomery County will add the largest number of new households of any locality in Maryland. Within the Council of Governments member jurisdictions, Montgomery County is second only to Fairfax County in the total number of current and forecast households. As the county approaches buildout of its residentially-zoned land, it faces challenges to continue to accommodate growth by adding housing within already-developed areas, developing infill sites within urban areas, improving housing affordability and permitting higher levels of density.

As of February 2004, the total holding capacity of the Urban Policy Area (UPA) of the Sacramento County General Plan was estimated at 43,285 residential units. The UPA is defined as the area expected to receive urban levels of public infrastructure and services within the 20-year planning period. Currently, county Planning and Community Development staff has been analyzing the Plan's capacity to accommodate future growth within the UPA and its relation to the county's growth management strategy.

According to the Fairfax County Comprehensive Plan, "If current trends continue, the supply of land presently planned for residential development will be all but exhausted shortly after the turn of the century [2000]." The current Plan demonstrates the increased intensity planned for the county. Since 1989, there have been 80,585 new townhouses and multifamily units added and 927 single family homes removed from the Plan. The buildout of Fairfax County's land use plan will continue to increase as the county's population increases. Currently, 56.7 percent of county land is developed for residential use and 12.1 percent was vacant and natural land. As the current

Plan is exercised and the county reaches build-out, 62.9 percent of land is planned for residential use and all vacant and natural land will be developed or become parkland.

Revitalization and Redevelopment Efforts:

The Montgomery County Commercial Revitalization Program was created in 1978 to encourage renewal and modernization of older shopping areas in the county. The objectives of the program include: improving functional layout, increasing physical appeal and fostering economic stability. The Flower-Piney Branch community of Silver Spring was the first area to benefit from the program in the county. When the staff analysis and consultant study show that an area is appropriate for revitalization, the County Executive makes the recommendation for the County Council to include a revitalization effort for that area under the Capital Improvement Program. Property owners of selected commercial revitalization areas work in partnership with the county to form a strategy committee, which in turn serves as the catalyst for the commercial revitalization effort.

Since the last Sacramento County General Plan update in 1993, the county has recognized that existing mature communities within its unincorporated areas need to have policies addressed in the Plan in order for these areas to remain viable places to live and work in. Mature communities are considered older suburban neighborhoods with an identifiable commercial corridor or historic district. A new policy will be created in the Land Use Element of the General Plan to provide direction, tools and techniques for the revitalization and continued enhancement of these communities based on the efforts already undertaken by county agencies.

As Fairfax County approaches a "buildout," the focus of land use across the county is shifting from new development to revitalization and redevelopment. Fairfax County Revitalization encourages and facilitates the renewal of older commercial and residential areas. In 1998, the Board of Supervisors amended the Zoning Ordinance to create five Commercial Revitalization Districts (Annandale, Bailey's, McLean, Richmond Highway, Springfield) and two Commercial Revitalization Areas (Lake Anne, Merrifield). The Department of Housing and Community Development is the lead agency for the revitalization programs and the Revitalization Coordinating Committee, comprised of representatives from local

revitalization organizations, has oversight. Policies and programs are brought to the Board's Revitalization Policy Committee, which is comprised of members of the Board, the Redevelopment and Housing Authority, the Economic Development Authority, the Planning Commission and one representative from each of the seven revitalization districts/areas.

Geographic Information System (GIS):

The Montgomery County GIS web portal was designed to disseminate maps, spatial data, information and publications; deliver local and national GIS news and events; and provide access to staff and related web sites. The county's Department of Technology Services-GIS team offers GIS consulting services, database management, custom maps, application development and training services to county agencies using a variety of local and wide area network solutions.

The Sacramento County GIS Department uses GIS to place service centers in locations that best serve the public, assist county residents in response to localized emergencies, coordinate street work to minimize impacts to county residents and to traffic and integrate environmental, cultural and political restrictions in community planning.

GIS enables Fairfax County to display and analyze geographically referenced information by making the county's maps and data accessible quickly on-line. More than 75 percent of county information can be referenced geographically such as the locations of fires and crimes for public safety agencies. The GIS & Mapping website provides services such as the Map Gallery, Aerial/Ortho Photo Viewer, Digital Map Viewer, Department of Tax Administration Parcel Finder, Street Index and Fairfax Time Machine which shows an animation of a highlighted area from 1937 to 1990. The GIS & Mapping Department has many resources such as maps, aerial photography dating back to 1937 and CD products that are currently not available on-line, but can be viewed, copied or purchased at its front counter, located at the Government Center.

For more information, please visit the following websites:

Fairfax County Planning Commission at <http://www.fairfaxcounty.gov/planning>
Montgomery County Park and Planning at <http://www.mc-mncppc.org>
Sacramento County Government at <http://www.saccounty.net>

December 2005

Committee Meetings: July – December 2005

Environment Committee

Walter Alcorn, Chair

The committee met three times during this period in joint meetings with the Environmental Quality Advisory Council. On September 14th, the committee discussed stream protection issues. At the second meeting on September 28th, staff from the Department of Public Works and Environmental Services briefed the committee on the proposed amendment to the Public Facilities Manual on natural drainage divides. The committee met again on October 16th to begin discussions on stream protection strategies.

Policy & Procedures Committee

Janet Hall, Chair

The committee met on November 16th with staff from the Department of Planning and Zoning and the County Attorney's office to discuss condemnation issues. In light of the decision in *Kelo v. New London*, the committee focused on the county's policy regarding the exercise of eminent domain authority.

Schools Facilities Committee

Suzanne Harsel, Chair

The committee met on November 9th with members of the School Board and staff from the Department of Planning and Zoning for a briefing on the Metro West development. The number and nature of proposed residential units and the impact on area schools was discussed.

Transportation Committee

Frank de la Fe, Chair

On October 26th, the committee met with staff from the Department of Transportation for a briefing on the status of proposed revisions to the Transportation element of the Comprehensive Plan. The committee also discussed transportation-related nominations submitted during the Area Plans Review process and how those nominations should be treated in the process.

Posting Notice: Fairfax, Albemarle and Franklin Counties Compared

Section 18-110 of the Fairfax County Zoning Ordinance details the requirements for posting a notice of a public hearing on the land or building involved in a land use application or appeal. These notices are posted on yellow signboards and printed on different color posters to distinguish between the hearing bodies. What procedures for posting public hearing notices do other county planning staffs in Virginia follow? The chart below compares Fairfax with two other counties.

	Fairfax County	Albemarle County	Franklin County
Virginia Region	Potomac	Northern Blue Ridge	Southwestern Piedmont
Date posted	Maximum of 21 days, minimum of 15 days before public hearing	At least 15 days before public hearing	At least 14 days before public hearing
Sign placed and removed by	Dept. of Planning & Zoning (DPZ) staff	Zoning Administrator	Applicant
Notice contents	Hearing body; date, location and time of public hearing; type of application; description of proposal; property affected; and number to call to obtain further information	Zoning notice; property affected; date, time and place of public hearing; county logo; and number to call to obtain further information	Hearing body; date, time and place of public hearing; type of application; description of proposal; tax map number; and number to call to obtain further information
Color code to distinguish hearing body	Yellow - Board of Supervisors Orange - PC (general cases) Green - PC (public facility cases) Blue - Board of Zoning Appeals	White background w/red letters (except where it reads zoning notice and county logo – red background w/ white letters)	All signs are white
Location of notice	At reasonable intervals along every street abutting property or along property boundary lines within 300 ft. along every access street	Within 10 ft. of property boundary line abutting road(s) or on at least 2 property boundaries abutting land not owned by applicant	Within 10 ft. of property boundary line abutting road(s) or on at least 2 property boundaries abutting land not owned by applicant; bottom of sign not less than 2.5 ft. above ground
Sign maintenance	DPZ staff	Applicant	Applicant
Removal date	No later than 7 days after conclusion of last public hearing	Within 15 days following final action or withdrawal	Within 14 days following public hearing
Regulation	Zoning Ordinance Section 18-110, Paragraph 3	Zoning Ordinance Sections 33.8., 33.8.3	Zoning Ordinance Sections 25-742, 25-744

§ 15.2-2204 of the *Code of Virginia* covers the advertisement of plans, ordinances, etc.; joint public hearings and written notice of certain amendments, but it does not specifically require the posting of notices on the property being affected by a land use application. However, § 15.2-2205 states, "Any locality may give, in addition to any specific notice required by law, notice by direct mail or any other means of any planning or zoning matter it deems appropriate." Approximately 30 percent of the 95 counties in Virginia practice this form of advertisement in addition to what is required by the Code. The following page shows an example of a public hearing sign in Fairfax County.



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The following staff contributed to this issue of the *Planning Communicator*:

- Kara DeArrastia
- Sara Robin Hardy
- Barbara Lippa
- Henri Stein McCartney

Posting Notice of Public Hearings

PUBLIC HEARING FAIRFAX COUNTY

Planning Commission

November 09, 2005 8:15 p.m.

2232-V05-18

APC Realty & Equipment Company, LLC/Sprint PCS

Located at 8009 Fort Hunt Road, Alexandria

To construct a telecommunications facility consisting of panel antennas within a new steeplescross and related equipment at St. Luke's Episcopal Church, District Mount Vernon approx. 120 sq.ft.

1

2

CALL 324-1290

BOARD ROOM, GOVERNMENT CENTER
12000 GOVERNMENT CENTER PARKWAY

Reasonable accommodation is available upon 7 days advance notice. For additional information, call above number.

**DO NOT REMOVE OR DEFACE
UNDER PENALTY OF LAW**

5

3

3 - Application Type & Number, Name of Applicant, Location, Description of Proposal, District & Parcel Size

3

4

4 - Number to call for more information

4

5

5 - Location of Hearing

5

In addition to posting notice of public hearings on the subject property, the Zoning Evaluation Division, DPZ, is responsible for publishing an advertisement in the classified section of the *Washington Times* not less than 6 days nor more than 21 days before the date of each hearing and there must be a minimum of 6 days between the first and second publication. The advertisement must specify the time and place of the hearing and the nature of the matter before the hearing body. The Office of Public Affairs also publishes information on scheduled land use applications in the *Weekly Agenda* publication. To sign up to receive this publication delivered to your email address, visit <http://www.fairfaxcounty.gov/email/lists> and select "Weekly Agenda Newsletter" from the list of available subscriptions. The applicant must send, by certified mail and postmarked at least 15 days in advance of the hearing, written notice to the subject property owners and all property owners abutting (touching) or across the street from the subject property, insuring that a minimum of 25 different landowners are notified. When the abutting landowners are less than the required 25, notice is sent to enough nearby property owners to make up the difference.

Conference Addresses History Preservation Issues in Fairfax County

Fairfax County's first annual history conference, "People, Places & Preservation," was held in the Ellmore Farm Center at Frying Pan Park in Herndon on Saturday, November 12, from 9 a.m. to 4 p.m. The conference was sponsored by the History Commission, the Architectural Review Board, the Park Authority and the Fairfax City Museum and Visitor Center and featured displays from participating history groups such as the Lorton Arts Foundation and the Northern Virginia Association for History a, book signings and giveaways. Ross Netherton, historian, and Mayo Stuntz, Hunter Mill History Commissioner, were presented with Lifetime Achievement Awards. Independent filmmaker Ronald F. Maxwell, who directed the epic Civil War movies "Gettysburg" and "Gods and Generals," was the event's featured speaker. The conference also presented a panel discussion called "Preserving Our History," with Jean Federico, director of

Historic Alexandria; Lynne Strobel, a land use lawyer; Francis Gary Powers Jr., founder of the Cold War Museum; Phyllis Walker Ford, president of the Franconia Museum, and a luncheon with a preview of "The Battle of Chantilly (Ox Hill)" film produced by Bert Morgan of BLM Productions and Charles V. Mauro, author of "The Battle of Chantilly (Ox Hill), A Monumental Storm." Small group sessions on historic places in a changing county, on lessons learned from preservation efforts at the former Lorton prison and on taking inventory of the county's historic sites were held in the afternoon. The conference concluded with final thoughts and evaluations.

For more information on the Fairfax County History Commission, please visit <http://www.fairfaxcounty.gov/histcomm>.

Employees Recognized for Performance

Congratulations to the following recipients who merited recent Outstanding Performance Awards:

- 🏆 Linda C. Blank, Planner III, DPZ
- 🏆 Denise M. James, Planner III, DPZ
- 🏆 Aaron L. Shriber, Planner III, DPZ
- 🏆 Tracy D. Swagler, Planner III, DPZ

PC Electronic Mailing List

The Planning Commission has a new way for you to stay informed of its announcements and activities. Subscribe to the electronic mailing list to receive Planning Commission news delivered to the email address you specify. To sign up, visit <http://www.fairfaxcounty.gov/email/lists> and select "Planning Commission news and announcements" from the list of available subscriptions.

PC Staff Member Completes Emergency Response Training

Congratulations to Kara DeArrastia, Associate Clerk, Planning Commission Office, for completing the 9-week Community Emergency Response Team (CERT) training course at the Fire & Rescue Academy. The CERT program educates citizens in disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization and disaster medical operations. More information on CERT is available at the Emergency Management Institute website, <http://training.fema.gov/emiweb/CERT>.



This publication will be made available in alternative formats upon request. Please call 703-324-2865 (V), 703-324-7951 (TTY). Please allow seven days for the preparation of material.